

CHURCH AND STATE

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POAU ALERTS NATION ON DEFECT IN HILL OIL-FOR-SCHOOLS BILL

A groundswell of public opinion during the closing weeks of the recently adjourned session of Congress made it clear to our national legislators that omission of the word "public" from federal aid-to-education bills is no small matter. The question came to a head after the Hill amendment for educational use of federal oil revenues passed the Senate in a gush of enthusiasm for what newspapers described as a measure to aid the "needy public school system of the country." At this juncture, POAU Executive Director Glenn L. Archer called the nation's attention to the fact that the Hill amendment provided for "grants-in-aid of primary, secondary, and higher education" without specifying that the institutions or projects aided must be "public" in nature.

"Friends of the American system of free public education make a serious mistake when they try to secure passage of a federal-aid bill by appeasing the most powerful opponents of free public education—I mean the Roman Catholic parochial school educators of this country," Archer said. "The Hill amendment makes no mention of 'public' education at all, and Senator Hill complained on the Senate floor on June 24 that 'most of the States have provisions in their State constitutions that public funds should not go to private schools'—an obstacle he would get around by making federal funds available directly to non-public schools.

"To go along with such a policy would mean to abandon our American system of church-state separation in the field of education. This would be shocking enough even on a small scale—but it is estimated that outer Continental Shelf revenues are likely to be anywhere from 40 to 250 billions of dollars. I doubt that the American taxpayer is ready to give a 'cut' of this money to any sectarian group.

"Four years ago, POAU fought successfully against this kind of appeasement in a federal-aid-to-education bill which had passed the Senate. POAU is ready to take up this fight

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NEA WON'T FIGHT CATHOLIC SCHOOLS GETTING U. S. AID

Move to Restrict Under-Sea Oil Revenues to Public Institutions Defeated

STAND IS CONCILIATORY

Convention This Year Drops Opposition of Past; Oil Bill Is Before Senate

Miami Beach, Fla., July 7 (NC)—Public school educators shouted down an attempt to bar private schools from receiving federal under-sea oil revenues in a resolution on the use of outer continental shelf natural resources.

Delegates to the National Education Association convention here refused to recommend that only public schools would be eligible for grants-in-aid from

An apparent retreat by the nation's largest association of public school teachers was reported in gleeful terms (above) by the Roman Catholic weekly, "The Brooklyn Tablet," on July 11. See story beginning on this page.

State Authorities Sweat Over Teaching-Nun Issue

The question of whether garbed Roman Catholic nuns may teach public school is a headline issue in Colorado, Idaho, Kansas, and Kentucky as this issue of *Church and State* goes to press.

Reversing an earlier decision (*Church and State*, July) cutting off state funds from Colorado school districts employing nuns, the state board of education has heeded a plea that dismissal of the nuns would mean closing the schools involved. At the same time, the board has ordered local officials to specify in their annual reports whether or not religious insignia and periodicals are present in the classrooms, so that state officials may determine whether each school is sufficiently "public" in nature to receive future state aid. "Our position," said Board Chairman J. H. MacDonald, "is that the wearing of religious garb by teachers is in itself not grounds for withholding state funds." Macdonald admitted that a Logan County court decision (*Church and State*, October, 1952) had outlawed the wearing of religious garb by public school teachers, but argued that since an expected appeal of the decision to the Colorado Supreme Court had not materialized, the Logan County decision "is then effective only so far as that district is concerned."

A decision to dismiss teaching nuns from Idaho County, Idaho, public schools has been adopted by a 3-2 vote of the county school district's trustees. (The county includes an area larger than the state of Massachusetts.) Immediately affected are seven Benedictine nuns at the Green-creek elementary and high school and two nuns at the Keuterville grade school—both communities where nuns have taught for nearly forty years. Similar action had been taken last year against the employment of

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CALIFORNIA COURT RULES OUT CHURCH-SCHOOL TAX EXEMPTION

Tax exemption for church-owned elementary and high schools was ruled unconstitutional in a recent 2-1 decision of the State Superior Court of Alameda County, California. The decision, which invalidated a hotly contested referendum on the subject in the last election (*Church and State*, December, 1952), was based on Article 13, Section 1-C, of the amended State Constitution of 1944, which permitted tax exemption for hospitals, religious and charitable institutions but did not include educational institutions below collegiate level, according to the court majority. Superior Judge James R. Agee, dissenting, argued that schools should be included as "charitable" institutions, but Presiding Judge A. J. Woolsey and Superior Judge Cecil Mossbacher said that if the people's intention had been to include schools they would have said so. (Alfred J. Lundberg of Oakland, the plaintiff in the suit, had pointed out that the word "educational" had been specifically deleted from the 1944 amendment before it was adopted.)

An appeal to the State Supreme Court was immediately announced by the defendants, including Alameda County, the City of Oakland, the State of California, and the Roman Catholic Welfare Corporation of San Francisco (an intervenor in the suit). James Francis Cardinal McIntyre of Los Angeles assailed the decision as one which "attempts to void the will of the people and the legislature." (Proposition 3, adopted by a narrow margin in the referendum last November, extended tax exemption to church schools, but relied for its constitutionality on the 1944 amendment.) Similar views were expressed by James Zoetewey of the Los Angeles Advisory Council for Christian Schools (Episcopalian, Christian Re-

formed, Baptist, Free Methodist, Lutheran, and others), and Seventh-day Adventist Elder Roy L. Benton of Glendale.

The court did not deal with the merits of Plaintiff Lundberg's major contention that Proposition 3 violated the United States Constitution by "providing a subsidy for religious indoctrination by the state."

Secretary Dixwell L. Pierce of the State Board of Equalization said that the decision would have no immediate effect because most counties had already fixed this year's tax rates and had approved assessment rates exempting church schools. He added, however, that if the State Supreme Court upheld the decision, church schools escaping taxation this year might have to pay double next year. In Los Angeles County, on the other hand, church schools are paying taxes this year because county officials declined to grant exemptions unless and until they should be declared valid by court decision.

In the meantime, evidence accumulates that the champions of tax exemption for church schools had grossly underestimated the amount of money involved when they argued last year that it would be "only" about \$700,000 throughout the state. According to Pierce, preliminary reports from the counties indicated that the number of exemptions granted

Protestant Indians Sue for Rights

Ninety Protestant Indians of the Jemez Pueblo have brought suit in United States District Court at Albuquerque, New Mexico, alleging, among other things, that on July 21, 1952, the Pueblo Council "threatened non-Catholic Jemez Indians with the loss of their birthrights, homes, personal property, and right to share in community work if they did not become Catholic." Governor Juan Luis Pecos and Council members are named as defendants.

Some of the other abuses charged by the plaintiffs were: denial of their right to bury their own dead in the communal cemetery or to establish a cemetery of their own; denial of the right to have a church of their own or to hold religious services in their homes; and denial of their right to have free contact with Protestant missionaries. The Protestant Indians also charged that they had been threatened with loss of their wheat crop because of their religious opinions.

The plaintiffs seek the court's protection under the First and Fourteenth Amendments to the United States Constitution, guaranteeing religious freedom under federal authority, and the Treaty of Guadalupe, granting freedom of religion to all Pueblo Indians. Jemez Pueblo, with a population of 1,025 Indians, is a corporate body under the state laws in Sandoval County.

was much greater than anticipated, and that the tax loss arising from them would be considerably more than \$700,000.

Do Parochial Schools Really Save Money?

"... Knowing of the precarious existence of our own schools, we find it hard to realize that public schools themselves need a helping hand these days. The fact is that in many cases the additional parochial school is a threat to the public school, in terms of both economic and moral support. Sometimes this threat is exaggerated, but it is made credible by what looks like Catholic cooperation with groups which, sometimes unintentionally, have served to undermine confidence in public schools from Pasadena to Scarsdale.

"We are too fond of saying what a saving our schools are to the American taxpayer. It is undoubtedly true that in a crowded city whose educational facilities are already strained, pupils can be educated more cheaply in a parochial school than in a public school, thanks to the nuns' vow of poverty. Even here the 'gift' to the city is not as absolute as we often represent it; the hidden economics involved in paying for the parochial school affects the entire community. There is only so much money available for education within a given area; money withdrawn for Catholic schools is being taken out of a potentially common fund. Some economy-minded Catholic members of large-city boards of education make non-Catholics understandably skeptical about our boast of a gift to the taxpayer. Furthermore, in small towns, the addition of a Catholic school may mean a duplication of facilities that in fact is uneconomical."—From "Catholics and Education," by Joseph E. Cunneen, in "Commonweal," lay Roman Catholic weekly, August 7.

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CHURCH AND STATE

NEWS From Far and Near

♦ A charge of "godlessness" made in 1945 by Springfield Roman Catholic Bishop James A. Griffin is said to have been partly responsible for the forced resignation this year of Illinois University President George D. Stoddard. Two or three sentences from a 504-page book by Dr. Stoddard, "The Meaning of Intelligence," provided the flimsy basis for Bishop Griffin's attack on him. The educator's expressed belief in separation of church and state also did little to endear him to Roman Catholic church leaders.

♦ The "ambiguity attached to the term 'religious freedom' as used in certain countries" was deplored by the World Evangelical Fellowship in a resolution adopted at its recent international conference at Clarens, Switzerland. A related resolution pointed out that the "Roman Catholic Church justifiably protests against persecution of her members in Communist-dominated lands, and yet at the same time allows, and in some cases even incites, the persecution of Protestants in Roman-dominated lands." With regard to Spain, the conference declared that the Franco government had failed "to provide true religious liberty for Evangelical believers in that country," and cited as evidence numerous recent police actions leading to the closing of non-Catholic places of worship, the fining of non-Catholic private worshipers, the suppression of non-Catholic literature, and the outlawing of non-Catholic marriage.

♦ Argentina's Dictator Juan D. Peron recently moved to consolidate his power with the strategical assistance of the Roman Catholic Church. As part of a government move for "harmony" among dissident political groups (including opposition parties whose leaders Peron has thrown into jail), the country's two top prelates have called on Interior Minister Angel Borlenghi to express their willingness to cooperate in Peron's "harmony" drive. Santiago Cardinal Copello of Buenos Aires—long a Peron supporter ("Church and State Newsletter," March, 1949, April 1950, and May, 1951)—and Antonio Cardinal Caggiano, Bishop of Rosario, were particularly willing to make the move in gratitude to Peron for having restored religious instruction in the public schools.

♦ Two surprising—though encouraging—actions were recently taken by the one-year-old administration of Mexican President Adolfo Ruiz Cortines. Amidst much political gossip of a pending "rapprochement" between church and state, the government announced that ten million pesos in tax money which had been originally designated to pay for improvements to the Church basilica at Guadalupe will be used instead to build houses for the poor. Another announcement said that government subsidies were being withdrawn from several expensive and exclusive Roman Catholic private schools.

♦ A protest designed to "discourage any church from using public property" was made recently by the New Orleans and Louisiana POAU chapters against action by the Navy's Bureau of Yards and Docks giving use of three buildings at the Algiers Naval Station to Roman Catholic Church authorities for "temporary" parochial school activities. Catholic Action of the South replied by asserting that there is "ample precedent for the use of government property by religious denominations" and that the three buildings would be used "not for religious purposes as such but for education."

♦ Dr. Joseph M. Dawson, executive director of the Baptist Joint Committee on Public Affairs and recording secretary of POAU, has corrected Senator Lister Hill of Alabama on the status of certain hospitals "erroneously . . . called Baptist" which the Senator had cited as participants in the benefits of the Hill-Burton hospital grants act. Dr. Dawson wrote: "I beg to say that the hospitals in Florida receiving aid are definitely not under any Baptist control—neither by the Southern Baptist Convention, the State Convention, nor the District Association. They are conducted by individuals without denominational approval of the use of the name. The Baptist denomination has preserved at great cost its fidelity to the principle of separation of church and state, and has consistently tried to obey the law as interpreted by the Supreme Court. . . ."

Italy Makes Exception

For Church of Christ

In an effort to avoid further unfavorable publicity, the government of Italy has granted passport visas to four new Church of Christ missionaries who will be allowed to reside in the country for two years, adding their efforts to those of the five fellow missionaries already there. This action, however, does not signal any general relaxation of the repressive policy followed by "Roman Catholic" Italy in protecting the interests of the "one true church"; Vatican spokesmen still insist that countries like Spain and Italy are duty-bound to combat non-Catholic "propaganda" through governmental control (see story on page 4), and the administrations in those countries dare not disobey Vatican directives.

The concession to Church of Christ missionaries has been only grudgingly made, after the many months of controversy which followed from the government padlocking last year of 22 Church of Christ places of worship (*Church and State*, October and November, 1952). When that incident was reported under glaring headlines in foreign newspapers, Italian police officials "temporarily" lifted the ban, but POAU commented: "The ban has been lifted—at least for the moment—but the power to ban remains, and the basic question is, therefore, still unresolved. If, in any country, it is necessary to go to the police for 'permission' to worship publicly, then it is also necessary for free men to cry out against the unjust system which exists. . . ."

The Italian government has obviously beaten a strategic retreat in the matter of Church of Christ missionary activities. But the new missionaries will be just as much under police surveillance as are all other non-Catholic clergymen in Italy—"the power to ban remains, and the basic question is, therefore, still unresolved."

U. S. Ambassador Clare Booth Luce is reported to have used her good offices on behalf of the American missionaries. She did so under considerable prompting from POAU and other groups which have pointed to the contradictions and evasions in Italian policy on the subject. These contradictions and evasions are still far from cleared up.

Read about POAU's 1953 membership drive on page 7.

'LIBERALS' SQUIRM AS VATICAN BACKS SPANISH RELIGIOUS CURBS

The policy of suppressing non-Catholic "propaganda" in Roman Catholic countries is "unexceptionable"—this was the answer given by the Vatican on July 20 to a request from *The New York Times* "for an authoritative clarification" of the Roman Catholic position on religious freedom. The American newspaper had sought the clarification because of widespread confusion in the United States, where some "liberal" members of the Roman Catholic hierarchy had criticized the view of Spanish Cardinal Segura that non-Catholic "heresies" must be ruthlessly stamped out by the government.

The *Times*, in its inquiry, specifically asked for the Vatican's comment on an address delivered in Rome by Alfredo Cardinal Ottaviani, pro-secretary of the Congregation of the Holy Office, on March 2, and it was Cardinal Ottaviani's address which the Vatican called "unexceptionable." Speaking at the Pontifical University of St. John Lateran, the Cardinal had declared that "tolerance is not a synonym for freedom of propaganda which foments religious discord and alters the secure and unanimous possession of truth and of religious practice in countries such as Italy, Spain, and others." He had also observed that in non-Catholic countries "the Church is content to advance its claims in the name of that tolerance, of that equality, and of those common guarantees by which the legislation of those countries is inspired." Even without the Vatican's express approval, Cardinal Ottaviani's view had carried great weight because of his high position in the Church. Now, the statement published in *The New York Times*, and the republication in *L'Osservatore Romano*, the Vatican newspaper, of significant portions from the Ottaviani address, have put a new seal of approval on the repressive policies of Roman Catholic countries.

Double-Talk

As was to be expected, "liberal" prelates in the United States immediately sought to minimize the significance of the new statement. Father John Courtney Murray of Woodstock College, Maryland, argued that Cardinal Ottaviani had spoken "only in his purely personal capacity" and that his thesis must be considered only as "the statement of a private theologian—one of very considerable reputation, of course . . . , with whom it "is still entirely possible and legitimate for Catholics to doubt or dispute. . . ." If words have any meaning, however, Father Murray's

statement cannot be sustained. According to the Vatican itself, Cardinal Ottaviani's address is "unexceptionable." "Unexceptionable," according to Funk and Wagnall's *New Desk Standard Dictionary*, means "That cannot be objected to; irreproachable." Yet Father Murray and his "liberal" colleagues—forming a small wing of the Roman Catholic Church in America—insist that Cardinal Ottaviani's address can be objected to, and indicate that they expect to go on doing so. It is true that the Vatican observed to *The New York Times* that the Ottaviani address had been "not official or semi-official, but . . . nevertheless 'unexceptionable,'" and Father Murray relies wholly on the first part of this statement while ignoring the conclusion, hoping thus to escape from his predicament. This, doubtless, was what the Vatican intended should be done with the statement by some prelates in America, where the Church's relationships with non-Catholic majorities would suffer if there were no "liberal" priests to extol tolerance and good will. It is a common practice for the Vatican to hedge its statements a bit so that priests in Roman Catholic countries may interpret a directive one way while priests in non-Catholic countries may interpret it another, according to the dictates of expediency. Indeed, Cardinal Ottaviani's address itself calls for this devious country-by-country approach.

Commenting on the Vatican statement, POAU Executive Director Glenn L. Archer declared that it put "liberal" Roman Catholic prelates in the "dog house" by expressly upholding "the Spanish-Italian style of religious repression in contradistinction to the American system of religious freedom." Calling the statement "illiberal and opportunistic," Archer concluded:

"Clearly, then, the Vatican is throwing its weight behind mass-circulation Church newspapers in the United States, such as the *Denver Register*, which said on March 1: 'Some people pride themselves on being liberal Catholics. There is no

Chief Culprit Seeks To Involve Others

Like the bad boy who claims he is being "picked on" because other bad boys are getting off unpunished, the Roman Catholic archdiocese of Louisville, Kentucky, complained recently that Roman Catholic leaders seem to have been singled out as alleged violators of church-state separation. An editorial in the official Church newspaper, "The Record," accused the Kentucky Free Public Schools Committee, a POAU affiliate, of not being interested in "any case other than those where Catholic institutions can be made the 'defendants.'" "The Record" challenged the Committee to test the legality of the following practices: ministers' getting tax money to serve as chaplains at county and state institutions; ministers' being employed in the State Department of Education, holding any elective office, or serving as public school teachers or officials; and public school teachers' wearing of any pin, ring, or button indicating membership in any "religious, quasi-religious, or fraternal organization."

On behalf of the Free Public Schools Committee, the Rev. John Boykin of Shawnee Baptist Church replied that the Committee has no objection to the public employment of persons with religious affiliation or church rank provided that such persons do not abuse their office to promote sectarian interests; that religious indoctrination by public school teachers is a violation of church-state separation; and that in investigating any institution, whether Roman Catholic or other, the Committee intends to apply only one set of rules. He pointed out, in addition, that the "worst infractions" in Kentucky are those involving the Roman Catholic Church. (See "Church and State," February and May.)

such animal. Such people, if they are not openly rebellious against the Church, are at least out of sympathy with her. *America*, the *Indiana Catholic* and *Record*, and *Commonweal* are merely exceptions to the rule in their 'liberal' stands, and have far less influence within the Church than *Our Sunday Visitor*, the *Brooklyn Tablet*, the *Register*, and a host of other reactionary organs."

Spain and the Vatican have signed a Concordat. "Church and State" will analyze it in a future issue.

One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no election. —United States Supreme Court Justice Robert H. Jackson, concurring opinion in *West Virginia State Board of Education vs. Barnette*, 1943.

New Official Recognizes Church-State Separation

"I expect to serve as a layman," the Rev. Dr. Joseph Simonson told the Senate Foreign Relations Committee shortly before being confirmed as the United States Ambassador to Ethiopia. Leaving his post as public relations secretary of the National Lutheran Council to accept the government appointment, Dr. Simonson avowed that he had no intention to "resign my Christian faith and life, nor my Lutheran affiliation," but added that he would turn in his ordination certificate as a clergyman so that the "lay" character of his public service would be crystal clear.

The question of clergymen in public office was analyzed by POAU President Edwin McNeill Poteat in a reply which he wrote last February to a Roman Catholic who had chided him for not having protested the appointment of a Mormon official (Ezra Taft Benson) to the Eisenhower Cabinet. Dr. Poteat wrote:

The appointment of Mr. Benson to the Cabinet seems to you to be a violation of the principle of separation of church and state, and you are surprised that I have not protested it. I think I can give you the reasons why I do not think that the principle is involved, and this will explain why there has been no protest.

The principle of separation as it has been interpreted by recent decisions of the U. S. Supreme Court means that the Constitution does not allow a commingling of the authorities of church and state. "Congress shall make no law respecting an establishment of religion. . ." Here the word "establishment" clearly means the official or institutional aspect of religion. The processes of civil law cannot interfere with such an establishment.

Equally important is the following clause, "nor prohibit the free exercise thereof." This protects the individual in his exercise or non-exercise of such religious beliefs as he has. In this way religion in its official and in its individual aspects is ruled as out of bounds to the civil authority by the expressed intent of the Constitution.

Mr. Benson is one of the Apostles of the Mormon Church. As such he has every right to follow his religious beliefs and as a citizen to participate in the affairs of government. The Constitution protects him at both points. But if he were the official representative of the Mormons on the Cabinet as he is in his church, he would be bringing into government the official processes of an establishment of religion. This he is not allowed to do. If it ever became evident that Mormonism and United States Government were intermingling their respective authorities for the advantage of either or both, it would be necessary to invoke the Constitution to interrupt such a relation. But as a citizen of the United States and a member of the Mormon Church he has every right to serve both interests.

In this respect I think you observe a somewhat different emphasis that directs the Roman Catholics in their understand-

ing of their clerical leaders. The priestly function is always representative of the Church; the priest acts ex officio. Thus he carries the "authority" of the church as no Protestant clergyman ever does.

There is no conflict in the Protestant mind between the clergyman as citizen and the clergyman as priest because he is under the authority only of civil law. In the case of the Roman Catholic there is the inescapable complication that arises because he is under primary allegiance to the canon law of the Church. He cannot, as priest, divest himself of the authority he bears as a member of the clergy of the Roman Church.

There is no legal reason, under our Constitution, why a priest or one of the higher clergy could not become a member of the Cabinet or hold a high government position. But since, as a priest, he would always be representative of the authority of the Church (as no Protestant clergyman is), the question would properly be raised as to whether his appointment would not involve the commingling of church and state authorities in a manner disallowed by the Constitution. . . .

Although Dr. Poteat could not go into it in his letter, the Benson appointment had given rise to a curious kind of commentary in the Roman Catholic press. *Our Sunday Visitor*, for instance, ran a story (February 8) headlined "We Have No Objections, But—WHAT IF THIS APPOINTEE WERE A CATHOLIC BISHOP!" The story not only ignored the glaring conflict between the Roman Catholic "ideal" concept of church-state relations and the American ideal, but it quoted with approval a remark of Mr. Benson indicating that he "seemed to feel . . . that he was expected to use his influence in the promotion of his particular religion." (The remark was: "This appointment . . . is a fulfillment of a prophecy of Joseph Smith [founder of the Mormons] who said the Church would one day assume leadership in Washington.") It was natural that the Roman Catholic hierarchy should say, "We have no objections . . ." to Mr. Benson's ill-considered remarks showing a tendency to confuse religious and secular functions.

The air could be cleared considerably if the Secretary of Agriculture were to show as clear a grasp of this question as has the new Ambassador to Ethiopia.

When a religion is good I conceive that it will support itself, and when it cannot support itself and God does not take care to support it, so that its professors are obliged to call for help of the civil power, it is a sign, I apprehend, of its being a bad one.
—Benjamin Franklin.

Newton Opposes Mail Subsidy

"Will Baptists support H. R. 6319 . . . offered by Congressman Gardner R. Withrow, Wisconsin, which would permit exemption of religious publications from the proposed increase in postal rates, allowing an estimated differential of 62 per cent between religious publications and secular publications? I hope not.

"Such exemption would mean that our Baptist papers would receive a substantial subsidy from the Government, and that would further mean that we would be estopped from protesting any instance of breaching the wall separating church and state.

"If it is a violation of the cherished principle of separation of church and state to accept Government money for Baptist hospitals, schools, orphanages, and churches—and we certainly are agreed on that—what, may I ask, would be the difference in principle of accepting Government aid for our Baptist papers?

"This bill has been referred to the House post office committee for study. Meanwhile, I hope Baptists will do some studying themselves, and by study I mean thinking."—Statement by Dr. Louie D. Newton, former president, Southern Baptist Convention, and POAU board chairman.

Archer Discusses School Case With Mrs. Larson

Mrs. Dorothy N. Larson, the courageous mother who brought suit in Johnsburg, Illinois, to end a "public"-parochial school tie-up there (*Church and State*, May and July), received a visit in July from POAU Executive Director Glenn L. Archer. Archer told Mrs. Larson that her action had earned for her the gratitude of all believers in the principle of a free church in a free society. He indicated POAU's readiness to cooperate in any way possible.

Attorneys of the American Civil Liberties Union are representing Mrs. Larson in the litigation.

The right of the parent to send his child to a non-public school of his choice must be jealously kept. So long as this freedom is here, attendance at the public school will remain non-compulsory, and the principle of undivided tax support of the common school, which has served America so well, can continue in its integrity.

—Dr. Lee M. Thurston, in a lecture at the University of Wisconsin. (Dr. Thurston was recently named U. S. Commissioner of Education by President Eisenhower.)

DEFECT IN OIL-FOR-SCHOOLS BILL

(Continued from page 1)

again, and with redoubled energies, now that infinitely more is at stake."

H. R. 5134, the House-passed version of the Senate bill (S. 1901) to which Senator Hill's amendment had been attached, contained no aid-to-education provision and differed from S. 1901 in other respects as well. (The basic purpose of both versions was to provide for United States jurisdiction over submerged lands of the outer Continental Shelf.) A joint conference committee of the two houses was set up to iron out the differences, and one of the important aspects considered by the conferees was the Hill amendment's omission of the word "public," as well as its failure to spell out any formula for distribution of the funds. In discussions extending over many days, House conferees voted 6-1 against inclusion of the defective Hill measure, and the Senate conferees finally yielded. Senator Hill led a last-ditch fight on the Senate floor for rejection of the conference report so that the House would be forced to vote on his amendment separately, but this move failed and the bill was passed without any educational provision. During the debate, Senator Hoey of North Carolina, Senator Cordon of Oregon (chairman of the Senate conferees), and others spoke of numerous letters and telegrams coming into their office urging insertion of the word "public" in the Hill amendment. Senator Hoey then asked Senator Hill whether the missing word might not be inserted in the bill if it were sent back into conference, and the latter replied: "The committee on conference would have the power to do that or make other changes."

Among those who influenced the result were James S. Barclay of Western Springs, Illinois, and 94 co-signers of a petition which was introduced into Congress by Rep. Chauncey W. Reed. This petition, calling for insertion of the word "public" in the bill, was referred to the Judiciary Committee. In Kansas City, Missouri, President William E. Phifer, Jr., of the Council of Churches, urged church leaders to press for correction of the amendment.

In spite of this defeat, supporters of the Hill amendment continue to argue that the amendment is free of defect because it provides no formula for distribution of the funds, and contents itself with declaring Congress' "intent" that oil revenues shall be used for education. But this was the very

thing which led to its defeat in the first session of the 83rd Congress—it begs all the questions, and, should it ever pass, will require that some future Congress grapple with the practical questions which Senator Hill sought to avoid out of considerations of political expediency. For this reason, some fellow Senators characterized Senator Hill's amendment as an "empty shell" without "bones or sinews." The rival Case-Hendrickson amendment had offered a specific formula which Senator Hill had destructively criticized, while offering no formula of his own.

Of particular interest is the defense offered for omission of the word "public" from the Hill amendment, as set forth in an ardent supporter's letter to a newspaper. Use of the word "public," said this writer, would have "precluded any use of the funds in the Treasury special account for research grants or scholarships in privately controlled institutions for higher education," and would have violated "the precedent of the GI bills of 1944 and 1953 and of the National Science Foundation research fellowships. . . ." This reasoning lumps together government aid to scientific research in the interest of national defense, government aid to veterans whose education has been interrupted by war service, and government aid to parochial schools performing no public service whatsoever.

The most appalling thing about the Hill amendment was its widespread endorsement by many civic, educational, and labor groups, including the National Education Association (NEA). The story was told in the Roman Catholic diocesan organ, *The Brooklyn Tablet*, on July 11. Under the headline, "NEA WON'T FIGHT CATHOLIC SCHOOLS GETTING U. S. AID," the *Tablet* correspondent covering the NEA convention at Miami Beach wrote:

Public school educators shouted down an attempt to bar private schools from receiving federal undersea oil revenues in a resolution on the use of outer continental shelf natural resources. . . .

A strongly worded stand against federal aid—either direct or indirect—to private schools which the association had included in its resolutions for two consecutive years was not included in this year's transfer of the resolution into the NEA platform.

Formerly entitled "Public Funds for Public Education," the resolution became a platform plank under the name "Separation of Church and State."

. . . The statement eliminated the specification that such [parochial] schools be financed "entirely" by their supporters.

Teaching-Nun Problem

(Continued from page 1)

Roman Catholic sisters in the public school at Ferdinand.

A Kansas Supreme Court decision is expected in the fall in a case originally brought against sectarian practices in the "public" school at Garden Plain (*Church and State*, June), but which has now been broadened into a test case affecting some sixteen counties where similar practices prevail. (The abuses complained of were corrected at Garden Plain, leading to dismissal of the case by Wichita District Judge Howard C. Kline; the plaintiffs then appealed to the Supreme Court to direct trial of the case "on its merits" so that the state as a whole may benefit from a judicial determination.) An unusual feature of the case is the plaintiffs' demand for recovery of funds allegedly misappropriated by school authorities to aid a sectarian school.

Kentucky Attorney General J. D. Buckman has declined to initiate action to enjoin the use of state funds for aid to school districts where nuns are employed. Eugene Siler of Williamsburg, former Kentucky appeals court judge and a leader of the Kentucky Free Public Schools Committee, a POAU affiliate, made the request for action by the Attorney General in a letter specifically charging four types of violation. Attorney General Buckman replied that the charges had not been brought to his attention by state or local school officials, and that Siler had not presented sufficient evidence.

According to the Free Public Schools Committee, 85 nuns are teaching in public schools in Washington, Nelson, and Marion counties, and an undetermined number in Casey County. In answer to an inquiry from *Church and State*, Mark Godman, head of the State Bureau of Instruction, stated that there are also "certain schools which do have . . . some Protestant Church connections" receiving public support. Godman listed the schools as follows: Ezel School, Ezel, Ky.; Stinnett Settlement School, Stinnett, Ky.; Red Bird School, Beverly, Ky.; Henderson Settlement School, Frakes, Ky.; Buckhorn School, Buckhorn, Ky.; and Frenchburg High School, Frenchburg, Ky. According to Godman, "the local boards of education have entered into contractual agreements for use of buildings for school purposes and . . . the boards of education employ the teachers."

Doubling POAU's Membership in 1953

MEMBERSHIP DRIVE



WHY POAU MUST EXPAND AT THIS TIME

Because—

Startling violations of the principle of church-state separation are being discovered in many states.

Because—

It is necessary to use the courts to save many American public schools from sectarian domination.

Because—

POAU cooperates with embattled citizens in every part of the country, and new calls for assistance come in daily.

Because—

Public opinion needs to be mobilized on a wide scale to warn citizens of the dangers of one-church control of American institutions.

HOW TO HELP IN THIS NATION-WIDE MEMBERSHIP DRIVE

Individuals—

- *Send in one or two additional memberships, using coupon below. "Each member get a member!"
- *Distribute POAU literature to a dozen or more close friends.
- *Offer your services as a "Membership Worker" to the local chapter or committee.

Chapters—

- *Set a goal of new members to be secured before December 31.
- *Schedule a city-wide membership drive, with POAU assistance.
- *Plan public religious liberty meetings to inform new friends.

Churches, Clergymen, and Religious Groups—

- *Display and distribute POAU literature at meetings this fall.
- *Play the POAU phonograph recording before a church group. (Loaned to church leaders on request.) Open church hall for a religious liberty rally; request a POAU speaker for denominational meetings.

----- (Tear off and mail to POAU, or use separate sheet) -----

To POAU, 1633 Massachusetts Ave., N.W.

(Please check (x) below)

Washington 6, D.C.

I want to help in the membership drive.

Please add these memberships. Enclosed is \$3 for each.

Name (Mr., Mrs., Miss, Rev.)

(...) I will distribute POAU membership literature. Send some.

Address

(...) I will serve as a "Membership Worker" in local chapter, church, or city.

City () State

(...) Please lend me the recording.

Name (Mr., Mrs., Miss, Rev.)

(...) I will help arrange a public meeting in my church.

Address

(...) Please renew my own membership.

City () State

(...) Make me a new POAU member.

(\$..... is enclosed for this)

Sent in by—

Name (Mr., Mrs., Miss, Rev.)

Address

City () State

Enclosed is \$..... for above items.

Please put additional names on separate sheet.

Catholic Critic Has Trouble With 'Line'

A favorable review of the motion picture, "The Moon Is Blue," and an editorial apologizing for the review and condemning the picture, both appeared recently in the same issue of *St. Joseph Magazine*, "America's Catholic Family Monthly." As was pointed out later in "Hollywood in Focus," the nationally syndicated feature by Roman Catholic columnist William H. Mooring (*Brooklyn Tablet*, August 8), ". . . the magazine's editor, Father Albert Bauman, O. S. B., in the same issue, and on the very same page as the masthead, explained that Mr. Richard Hayes' 'qualified approval' had gone to press before the Legion of Decency condemnation was announced. . . ."

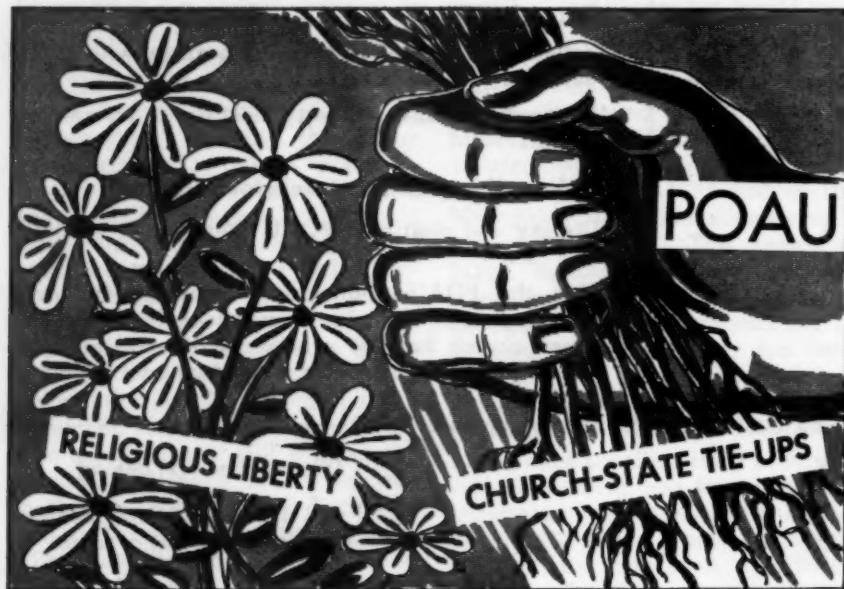
In other words, the Roman Catholic critic in this case had failed to check with "headquarters" before writing his review, and thus got himself into the kind of trouble which is referred to in Communist circles as "deviationism"—that is, the sin of straying from the latest "party line."

Attacked by Cardinal Spellman and his colleagues as "an occasion of sin," the movie version of "The Moon Is Blue" represents Hollywood's rendition of an F. Hugh Herbert stage success which ran for two years on Broadway without any outcry from the Roman Catholic Church. The movie has the approval of New York State's board of censors but not of the film industry's Production Code

Administration, which is notoriously responsive to the whims of the hierarchy. Producer Otto Preminger, in proceeding with distribution of the film in spite of the hierarchy's condemnation, has shown a force of character rarely found among Hollywood executives. In most places, the picture is doing well, although some theater managers have yielded to pressure and cancelled scheduled showings—e.g., Wilbur Neumann of the Bradley Theater, Putnam, Connecticut.

In Chicago, meanwhile, police authorities have tried to suppress the Italian motion picture, "The Miracle," in spite of the Supreme Court decision which last year upheld its right to be shown even though deemed "sacrilegious" by some church leaders (*Church and State Newsletter*, July, 1952). The new attempt at police suppression has been overruled by Cook County Circuit Judge Harry M. Fisher, who limited his decision to "The Miracle" case and declined to issue a declaratory judgment invalidating the city ordinance under which the police had acted. The case is being appealed.

Help POAU Pull Up the Weeds!



See Page 7 for suggestions as to how you can personally advance the cause of religious liberty by aiding in POAU's current membership drive.

CHURCH AND STATE
Monthly Organ of
Protestants and Other Americans United for Separation
of Church and State
1633 Massachusetts Ave., N. W., Washington 6, D. C.

When Is Government Control Justified?

"If religious freedom includes freedom of disbelief, it obviously includes freedom of dissent; heterodoxy is protected no less than orthodoxy. 'Freedom of religious belief,' said the United States Supreme Court, 'embraces the right to maintain theories of life and death and of the hereafter which are rank heresy to followers of the orthodox faiths.' It includes views that 'might seem incredible, if not preposterous, to most people.' There are today probably more than 300 different sects, with faithful adherents throughout the United States. The beliefs of all these, no matter how extreme or fantastic to the average citizen, are entitled under the First Amendment to equal protection. The state may constitutionally prohibit assassination, human sacrifice, and polygamy; but this is so, not because the belief of the Hindu Thug, the primitive Briton, or the 19th century Mormon does not constitute 'religion' within the meaning of the First Amendment's free exercise clause, but only because the societal interest in the preservation of human life or of the monogamous family is deemed by the state to be paramount to the Thug's or Briton's or Mormon's right to exercise his religion."—Leo Pfeffer, in his new book, "Church, State and Freedom," 675 pages, Beacon Press \$10.